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# OVERVIEW OF THE COLOMBIAN INDIGENOUS MOVEMENT

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## 1. INTRODUCTION<sup>1</sup>

This essay examines the emergence of Colombia's indigenous people as a political force, focusing in particular on the unequal relationship between indigenous communities (*pueblos*) and the state, as well as the effects of the half-century of violence. I first provide some general information about the pueblos and a brief history of indigenous organizing. A summary of changes brought about by the *Asamblea Nacional Constituyente* (ANC), and the *Constitución Política* of 1991 follows. I then provide a short overview of the Constitution's successes and failures with respect to indigenous concerns, a brief comment on language loss, and, finally, Discussion and Conclusions.

### 1.1. Overview of Colombia's Indigenous Communities.

Colombia's indigenous people form at least 81 distinct pueblos and speak 64 different languages. In 1997, adjusted figures based on the 1993 census predicted a population of 701,860, out of a total predicted population of 40,214,723 (Arango and Sánchez 2004: 39). According to the 2005 national census (<http://www.dane.gov.co/censo>), 1,392,623 citizens self-identified as indigenous, constituting 3.4 per cent of a national population of 41,468,384 citizens.

From the comparatively densely populated Andean communities to the smaller and more dispersed communities in the plains and tropical forests regions, the nation's indigenous people have always been extremely marginalized, socially, politically, and economically. During the colonial era the Crown created a system of collectively owned *resguardos*,<sup>2</sup> in part to protect the communities from exploitation so rapacious that they were in danger of disappearing entirely (and, with them, a valuable labor source). Independence from Spain ushered in an ideology and

legislation promoting nation-building, which required forging a homogeneous Spanish-speaking, Catholic, and patriotic citizenry. From that time until the 1960s, state-sponsored *indigenista* policies were concerned to incorporate Indians into the general population via racial mixing and cultural assimilation. Indigenous communal landholding came to be seen as especially inimical to the nation-building project, and legislation intended to dismantle the *resguardos* was promulgated. However, Law 89 of 1890, passed by the Conservatives then in power, slowed down the “progressivist” legislative trend that had arisen during the 19th century that had worked to privatize collective lands and eliminate tribute-paying. The 1890 legislation recognized the official status of the *resguardo* and legalized the *cabildos*, indigenous councils that governed the communities. *Cabildos* had been part of the Crown’s attempt to centralize and urbanize the scattered “uncivilized” indigenous populations. *Cabildos* continue to be the legal institution governing each *pueblo*’s internal affairs, in accordance with its traditions. The 1890 law also strengthened indigenous claims to lands with colonial titles (all in highland areas), and became the foundation for the efforts to recover illegally alienated territory that began in the 1960s. In 1988 Decree 2001 defined the *resguardo* as a special kind of legal and socio-political institution formed by an indigenous community or entire indigenous ethnic group.

During most of this century the Colombian state basically left the task of governing and civilizing the nation’s indigenous population to the Church; for example, a January 1953 Treaty put it in charge of all indigenous education. In 1962 the Summer Institute of Linguistics/Wycliffe Bible Translators was permitted to begin placing linguist-missionaries in indigenous communities (see Stoll 1982: 165-197). 1960 saw the founding of the *División de Asuntos Indígenas* (DAI), the government agency in charge of the country’s *pueblos*. Ostensibly an advocate for indigenous interests, DAI has consistently been criticized for implicitly supporting an indigenist approach and only gesturing to the need to respect cultural difference (Jimeno and Triana 1985; also see Jackson, 2002). Up to the present, traditional vested interests have continued their attempts to colonize indigenous lands, promote their version of development, and find ways to exploit indigenous labor.

## 1.2. History of Indigenous Organizing

Colombian *pueblos* in Andean areas began to organize to fight for land rights during the first half of the twentieth century. In the 1920s, influenced by Marxist values, activists partially

rejected the assimilationist positions held by both the Left and Right, and adopted a discourse promoting indigenusness and the “indigenous proletariat.” The most famous leader of that time, Manuel Quintín Lame, a Páez (a pueblo now known as Nasa) eventually came to support indigenous separatism (see Pineda 1984; Gros 1991; Rappaport 1990). During the 1930s and 1940s, the struggle for land by indigenous communities and non-indigenous peasants was taken up by the *Movimiento Agrarista* in the southern part of the department of Tolima. Marxist and Liberal guerrillas continued this struggle against the Conservative government of the 1950s, forming the “independent republics” that evolved into insurgent groups, two of which remain in arms today: the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), and the *Ejército de Liberación Nacional* (ELN).

In 1970, the *Asociación Nacional de Usuarios Campesinos* (ANUC) was formed to ensure enactment of the land reform laws passed in 1961. ANUC soon divided, and indigenous people from various departments formed a *Secretaría Indígena Nacional* within one faction. Upon realizing that ANUC was only interested in *campesinando* its indigenous members, they left and formed the *Consejo Regional Indígena del Cauca* (CRIC) in early 1971, to continue the fight for land rights and as a defense against severe repression from guerrilla armies and the national armed forces. Demanding implementation of the agrarian reform laws mandating expansion of indigenous resguardos, as well as reclaiming resguardos titled by the Crown, CRIC (and, subsequently, other organizations representing highland pueblos) fought many bloody battles.

When the state realized that the repossessions were going to continue, despite imprisonment and other forms of repression (legal and illegal), it reversed its position and sought to institute a way to make land recovery occur in a legal framework. The *Instituto Colombiano de Reforma Agraria* (INCORA) was established in 1961, but it would take further struggle before its perspective on communally held land would dovetail with those of indigenous communities (see Findji 1992: 119-121; Jimeno and Triana 1985).

The indigenous activism was opposed not only by local landowners and the government, but also the Church, which owned extensive landholdings in some areas. For example, earlier in the century the Church had mounted a campaign to convince Indians that they had no claim to the land because it was actually unused public land (*baldío*), and therefore available to “whoever would work it and make it worth something” (Jimeno 1985: 184).

Although CRIC declared itself to be an indigenous organization, it has never identified itself with a particular pueblo (although most of its members are Nasa). María Teresa Findji states that at the beginning CRIC lacked an “ethnic” vision, as its organizing principle was social class (1992: 118). CRIC in fact maintained links with other sectors of rural society, which helped to amplify its potential for mass mobilization. However, in the fall of 1971 CRIC modified its charter to include the defense of “indigenous history, language and customs” (*Consejo Regional Indígena del Cauca* 1981: 12). CRIC’s own version of its history acknowledges that at the very beginning “we ourselves believed that being *indio* was not good, and that in order to progress we had to copy what came from the exterior” (*Consejo Regional Indígena del Cauca* 1981: 11). In 1974 CRIC began the newspaper *Unidad Indígena*, which continues to be published.

During 1976-1981 the government attempted to pass a repressive “Indigenous Law” that effectively gave the state extensive power over the pueblos, including the authority to determine who was and was not indigenous (Triana 1978). The organized resistance continued, however, buoyed up by highly critical press reports of massacres of Indians, as well as activists’ alliance-building with peasant groups and other left organizations. A nation-wide group, the *Organización Nacional Indígena de Colombia* (ONIC) was founded in 1982; by 1986 sixteen indigenous organizations had appeared (Avirama and Márquez 1995: 84). ONIC was recognized by the government in 1983 and became an official participant in several governmental programs concerned with indigenous affairs.

Beginning in the 1980s Colombia has handed over land, at times very large tracts of it, to its indigenous communities, a policy arising in part in response to the at times violent land repossession campaigns in the country’s Andean regions, and in part in response to demands that the 1961 land reform legislation be implemented. As of 2000 the pueblos collectively and inalienably owned approximately 28 million fully demarcated hectares, 85% in the plains and tropical forest, constituting over one fourth of the national territory (see Roldán 2000 xxiii, xxiv, 49, 50).

One result of the organizing has been a substantial portion of the country’s Indians beginning to see the collectivity of the nation’s pueblos as an “imagined community” (Anderson 1983). This incipient development of a generic Colombian indigenous identity was a major change from the more limited pueblo-specific identity characteristic of the past. Indeed, in earlier periods, when given the chance, Indians who would militantly affirm their pueblo membership

would explicitly disavow membership in the highly stigmatized category “indio.” For example, Findji, discussing several Guambiano communities’ decision to leave CRIC over disagreements about (among other things) how to conceptualize territory, describes their desire to be seen as neither campesino nor generically indigenous, but strictly as Guambiano: “We don’t want to be ‘humiliated’ indígenas—we want to defend, for our children’s sake, our right to be Guambianos” (Findji 1992: 122). However, beginning in the 1970s, a process of change and restructuring provided both incentives and opportunities for the development (and politicization) of a generic indigenous identity. Political liberalization on the part of the government slowly reduced repressive responses to indigenous demands, thus opening up space for broader efforts at organization and more inclusive claims. Indigenous leaders became increasingly aware of indigenous organizing elsewhere in the Western Hemisphere, as well as the environmentalist movement. A resignification of “indigenous” took place, its meaning increasingly relying on the interplay between negotiated otherness and self-conscious efforts to maintain cultural continuity. In fact, what had been a stigmatizing identity for these communities, as illustrated by the Guambiano example above, turned into an identity entailing symbolic and political capital. As a consequence, indigenous demands began to be couched less in a discourse of minority rights and more in terms of rights they possessed as an autochthonous people.

As happened elsewhere in Latin America, the Colombian indigenous movement, while continuing with its efforts to gain access to the political institutions of the state, came to focus much more than before on strengthening the pueblos’ own institutions. Cultural recovery projects increased in number and visibility, as did their significance, both for the pueblos’ self-conceptualization and in their interactions with the non-indigenous world.

These evolving notions about indigeneity and their impact on activist strategizing had far-reaching effects, one of which was to change the meaning of indigenous territory, which in turn produced alterations in land claims discourses, in particular how claims were justified. Territory came to be seen in more comprehensive ways: as land, yes, but also as the underpinnings of self-determination, a “fundamental and multidimensional space for the creation and re-creation of the social, economic, and cultural values and practices of the communities” (Grueso et al. 1998: 20).

The way collective land rights were secured (or denied) increasingly depended on instantiations and demonstrations that reflected (or were seen as failing to reflect) evolving imaginaries of indigeneity that were coming to be shared by indigenous and non-indigenous

alike. Land claims increasingly were based on claims to a core, intrinsic, positively valenced indigenous identity, an identity that bolstered other kinds of claims—to self-determination, autonomous jurisdiction, etc. These sets of claims were increasingly validated by performances intended to represent culturally distinct customary practices and traditions. Of course, the state continued, as it had in the past, to deny land claims by rejecting applicants' indigenousness; what was new was the degree of participation by the pueblos themselves in establishing criteria for defining pueblo members' otherness.

In sum, new parameters emerged for indigenous involvement in state affairs. The country was moving toward a pluralist conception of itself, a notion that, once enshrined in the 1991 Constitution, would require a respect for the autonomy of indigenous institutions never before imagined.

Indigenous identity had itself become a strategy in many important venues. What it meant, never predetermined, became much more unstable as all actors repeatedly modified their discourses in response to multiculturalism's new role and the shifting terms of engagement. And indigenous identity not only became a political resource, it turned into a moral reproach to *status quo* hegemonic institutions like the state and the Church. Indeed, as elsewhere in the Americas, it came to stand for a critique of several basic characteristics of Western society as a whole.

## 2. THE 1991 CONSTITUTION

Advocates for rewriting the country's constitution felt that the old 1886 constitution was extremely rigid, inefficient, and overly centralized. Democratic foundational charter in name only, it favored the Conservatives and, more generally, the privileged and powerful. The drive for constitutional reform arose from awareness that the current social order, in which access to the government was gained exclusively through political parties (all other attempts being ignored or treated as subversion), was incapable of adapting to changing social conditions (Van Cott 2000: 63-89). The political and moral crisis resulting from the insurgency, the increase in violence as landowners and security forces attempted to stamp it out, and a pervasive distrust of a deeply corrupt state controlled by the oligarchy, also strengthened arguments promoting constitutional reform (see Assies 2000: 3). Especially during the 1980s, the unending states of seige and the depredations of the illegal drug cartels at times seemed to paralyze the state, making its inadequacies glaringly apparent.

Constitutional reform was intended to decentralize power and create a more open and legitimate political system. The original agenda had not included benefiting the country's minorities, but during the ANC deliberations several political interests, not just indigenous and Afro-Colombian, realized that advocating pluralism brought them closer to their own goals. The debates opened up new spaces for democratic participation, and civil society hesitantly began to give voice to its concerns. These democratic reforms began a process of reconfiguring the relationship between state, market, and civil society. Notions of participation and empowerment, previously limited to oppositional social movements and NGOs, began to appear in governmental discourse, notably in the Constitution itself (see Assies 2000: 2, 3).

## 2.1. Pueblos and the Constitution.

With respect to indigenous rights Colombia's new constitution is the most far-reaching in Latin America. The Charter recognizes that Colombia is a multicultural and pluriethnic society, and asserts that "*El Estado reconoce y protege la diversidad étnica y cultural de la Nación colombiana*" (Article 7). The media focus during the ANC on the three indigenous representatives, Francisco Rojas Birry, Lorenzo Muelas, and Alfonso Peña Chepe, was remarkable, in particular their contributions to the ANC deliberations. The symbolic role the three delegates played was also substantial, for they represented the extent to which the nation's pueblos had come to symbolize tolerance and pluralism, a rediscovered national identity, historic reconciliation, justice, political effectiveness, and participatory legitimacy (Van Cott 2000: 72). Their participation conveyed the promise of new approaches to conflict resolution that would be based on respect and dialogue rather than violence. Some authors suggest that the indigenous representatives helped to give legitimacy to the government and the entire ANC process. Donna Van Cott notes that the administration of César Gaviria (1990-1994) "offered the protection of ethnic minority rights as a highly visible emblem of the new regime of rights protection" (2000: 74). A government that had been closely associated with assimilationist policies doing an about-face and guaranteeing the rights of its most marginalized population would show how the most peripheral sectors were being incorporated into the democratic process, both as citizens in good standing *and* as citizens belonging to unique communities whose distinctiveness the state recognized, valued, and promised to protect (Van Cott 2000: 74). Scholars refer to such an arrangement as "differential citizenship." In short, the reconstitution of state-indigenous



relations, by moving from a paternalistic, assimilationist stance to one recognizing the pueblos' rights—to autonomy, dignity, and self-determination—became an emblem of the overall goal of reconstituting relations between the state and society as a whole.

## 2.2. Achievements in constitutional reform related to the pueblos.

The new Constitution significantly benefitted Colombia's indigenous pueblos in a number of ways. The pueblos were guaranteed two seats in the senate, and in fact, three indigenous senators were elected. Most important was its mandate specifying that the new territorial ordenation would include “indigenous territorial entities” (*Entidades Territoriales Indígenas*—ETIs) (see Dover and Rappaport 1996; Jackson 1998; Roldán 2000: 33-59). It also confirmed collective ownership of resguardos, and the pueblos' right to use their territories as they saw fit, including any decision-making about development. Unfortunately, the assignment of subsoil rights to the government significantly contradicts these territorial guarantees, and by now, the never-written ETI legislation mandate is moot.

Another benefit was the recognition of customary law (*usos y costumbres*), which allowed indigenous communities to settle their internal affairs, even in criminal cases, so long as the basic law of the land was not violated (see Sánchez 1998: 71-120).

Among the legal mechanisms set up by the Constitution, the writ of protection—*acción de tutela*—has definitely benefitted the nation's indigenous pueblos, for it “empowers citizens to appeal for immediate court action when their fundamental constitutional rights are violated and no other judicial means are available” (Van Cott 2000: 87). Another reform, the establishment of the Constitutional Court, has resulted in the upholding of the rights of many citizens, including pueblo members. Van Cott notes that the Court has issued an accumulated jurisprudence on indigenous rights and jurisdiction far more extensive than anywhere else in Latin America (2000: 112).

In addition, the Constitution strengthened ethno-education and other programs tailored to permit cultural distinctiveness (for example, in health) that had been legislated during the 1980s. The Constitution also mandated more direct transfers of state resources to the resguardos. Legislation to implement these transfers began under Gaviria and continued through the rest of the decade.

In order to educate the indigenous communities about the reforms, the DAI commissioned translations of the constitution into seven major indigenous languages (Rojas 1997), and established, in collaboration with ONIC, educational programs to allow Indians to achieve a basic understanding of their constitutional rights (Van Cott 2000: 90). The translation project graphically revealed the wide gulf between native concepts (about justice, law, rights, obligations of government, etc.) and Western positive law.

Articles 10 and 68 declare that “*la enseñanza que se imparta en las comunidades con tradiciones lingüísticas propias será bilingüe.*” In 2000 the Instituto Caro y Cuervo published *Lenguas indígenas de Colombia: Una visión descriptiva*, a project perhaps more comprehensive than equivalent efforts elsewhere in Latin America (*El Espectador*, 22 junio 2000). The work had begun before the Constitution was signed, but in the 1990s and up to the present there is evidence of greatly increased interest on the part of mainstream society not only in the ancient cultures and archival evidence of their languages, but of present-day indigenous ones. The exact number of extant languages is not entirely clear; *Lenguas indígenas* discusses 65 of them.

### 3. THE POST-CONSTITUTION SITUATION

3.1. Continuing Problems. Several long-standing problems that were not sufficiently addressed by the Constitution (or not addressed at all) virtually guaranteed that it would not accomplish many of its creators’ goals. The traditional parties, legislature, and post-Constitution administrations have successfully limited effective participation by citizens in many domains. Colombia continues to be something of a “façade” democracy; as Álvarez et al. (1998: 9) note, in such countries the majority of citizens have come to regard politics as the private business of the elites, and too few participate in anything more than minimal fashion. Moreover, despite the reforms’ attention to improving the situation in rural areas, the state still does not control a significant amount of the national territory. Its presence limited to military and police in many remote areas, along with a total absence in others, leaves the local population under the rule of guerrilla forces, illegal paramilitaries, or, more recently, neoparamilitaries (Brodzinsky 2010).

The violence that continues to grip the country has deep roots. Horrendous interparty warfare during the decade known as “La Violencia” (1948-1957) resulted in 150,000-200,000 deaths (Van Cott 2000: 39). The subsequent establishment of a Popular Front requiring alternate

power-holding between the parties and equal distribution of important posts, ended in 1974. Throughout the twentieth century the Colombian state has responded to even legal forms of leftist dissent with vicious repression. The governments of Belisario Betancur (1982-1986) and Virgilio Barco (1986-1990) began reaching out with peace initiatives and encouragement of debate about how to establish a more open political system. Constitutional reform came to be seen as the best path toward spearheading the peace process and decreasing the radical Left's appeal. With the exception of the FARC and ELN, all other armed groups demobilized in 1990 in order to be able to participate in the ANC debates.

The half-century of violence has continued. The Colombian media report civilian massacres, "disappearances," kidnappings, assassinations, extortion, and sabotage. Human-rights activists, politicians, labor organizers, journalists, and judges are particularly targeted. Evidence of human rights abuses linked to the army and police, who operate with near-total impunity, abounds. The judicial system continues to be paralyzed with respect to prosecuting criminals and enforcing sentencing. Four and one half million Colombians, out of a total of approximately forty-five million, are internally displaced, having fled the numerous areas of intense conflict, and living in the *zonas de miseria* that surround every urban center.

Other remaining problems include the glaringly obvious failure of the neoliberal economic model to democratize the distribution of the nation's wealth. While a sector of Colombians has benefited from *la apertura* that was legislated during the 1990s, major economic dislocations increased the sense of crisis. Income disparities that were already serious increased. At the beginning of the 1990s, approximately 50% of the population was already living in absolute poverty (Van Cott 2000: 49, 248). The Constitution is totally mute regarding these ever-increasing inequalities of wealth, and subsequent court decisions have not taken such reforms as their mandate.

Colombia's drug problem remains extremely serious. The US-dominated international market guarantees that vast sums of narcodollars will continue to flow into the country, and so it is no surprise that both guerrillas and paramilitaries quickly filled the spaces left by the dismantling of the cartels during the administration of Ernesto Samper (1998-2002).

Nor did the constitutional reform touch the military, either in its structure or in its abysmal performance with respect to human rights abuses, which puts the reform's main goal, ending the cycle of violence, completely out of reach. The role played by the US is substantial.

Supporting the Colombian government via the multi-billion dollar Plan Colombia and The Andean Regional Initiative has resulted in ineffective reform of the country's security forces, in particular the army, with its dreadful human rights record and links to paramilitaries and neoparamilitaries.

### 3.2. Post-Constitution problems specifically affecting the pueblos.

During the ANC indigenous activism was weakened by divisions within the movement, some of them resulting from organizations with a national presence like ONIC sponsoring their own candidates for election. Although the movement comes together during times of crisis, and although overall it has achieved a remarkable maturity and sophistication, factionalism is systemic. By 1994 electoral politics had proven so disruptive that the only recourse for ONIC was to abandon its ambitions in that arena. ONIC has always struggled to define its role in the national political scene, searching for a model of political activism that works. At times it encounters a conflict of interest between its mandate to represent all of the country's pueblos and its own politics; other times its complicated relationship to the state (in particular DAI) produces problems. Serious ideological differences, both internal and with regard to other national indigenous organizations, fuel the divisions as well.

It became clear to indigenous leaders that the reforms could not address most of the problems the country was facing. A major factor has been the tight connection between the democratic reforms and the concomitant adoption of neoliberal policies that mandate decentralization, an end to the corporatist state model, and implementation of structural adjustment policies. Such policies require a concomitant "social and cultural adjustment" on the part of citizens to accept greater responsibility and to participate in civil society to a much greater degree. Civil society is envisioned now as the vehicle responsible for delivering many of the services previously performed by the state. This goal of "minimalist" government has had enormous consequences for Colombia's pueblos. Although Colombia has established a "safety net" (*Red de Solidaridad*) to ease the burden of structural adjustment on the poorest sectors, the drastic cuts in public services and elimination of price supports and subsidies for the agrarian sector have impacted disproportionately on the pueblos, both highland and lowland. The land reform agency, INCORA, has effectively been gutted, replaced by an ineffectual agency with only twenty per cent of the former budget (Murillo 2009: 29).

The adverse consequences of the neoliberal policies of the last two decades have done less harm, however, than the violence virtually all pueblos are currently experiencing. Indigenous communities are targeted by all the armed groups: military, paramilitaries/neoparamilitaries, and guerrillas. Indigenous leaders are killed with impunity. Although the government as such has dropped its overt repression of indigenous organizing and no longer assumes that political opposition equals subversion, many authorities in the rural areas continue to assume that Indians are either actual or potential supporters of the guerrillas—due to their geographical location and their poverty—and hence appropriate targets for counterinsurgency measures. The administration of Álvaro Uribe (2002-2010) has consistently expressed its disapproval of indigenous autonomy projects, their “active neutrality” position with respect to armed actors, and their mass political protests. An example of the latter is the October 2009 Indigenous and Popular Minga in which 40,000 participated in a march to Bogotá protesting the proposed free trade agreements with the U.S., Canada, and Europe.

Large sections of indigenous territory are occupied by guerrillas, paramilitaries and military detachments, and Indians are compelled to serve as guides or informers, often by threatening their families (Roldán 2000). Some Indians do voluntarily join the guerrillas and, occasionally, even the paramilitaries—to protect their families in areas under paramilitary control, or for the promise of a uniform and pay. Also, some individuals unfortunately become involved in drug trafficking, either with criminals or one of the armed groups. In some communities, Indians grow illegal crops (coca and opium poppies), sometimes by choice, sometimes under duress from armed actors. The impact on the traditional subsistence economy and social order is severe. In addition to intrafamilial disputes, health problems and possible legal penalties, Indians face potential loss of livelihood and health risks from fumigation of fields, as well as a scarcity of essential commodities like gasoline, due to government efforts to decrease production of coca paste (*basuco*). The US campaign of aerial spraying of fumigants to eradicate coca and poppy cultivation at best destroys only one-fourth of the coca crop (and replanting can commence in two weeks). Fumigants’ ability to destroy subsistence crops and sharply reduce fish and game has been well documented. The Kofán, located in the Putumayo region, one of the areas being heavily sprayed, have suffered enormously from the spraying. Although the U.S. claims that only large-scale coca cultivation is targeted, a great deal of evidence demonstrates that small communities have been seriously impacted.

#### 4. THREATS TO INDIGENOUS LANGUAGES

The continuing violence threatens Colombia's pueblos in a number of ways. The most direct is, of course, violence directed at communities. The nation's newspapers provide articles with numbing regularity about all armed combatants' disregard for the pueblos' stated policy of not permitting any arms in their territories. In response, indigenous leaders are told that their failure to assist that particular armed group constitutes proof that the community is allied with the other side. The army in particular refuses to accept this position of "active neutrality," as has the Uribe administration. Certain areas, in particular in Cauca, are subjected to attacks that come with numbing regularity. Because the violence disperses communities, an indigenous language will likely be discontinued in the new location. Amazonian regions, where entire communities are under threat of extinction, reveal the greatest threat of language extinction. Because numbers are small and population density is low. When a tiny pueblo like the Koreguaje is threatened and persecuted, its members finding they have no option but to leave their territory and join the masses of internally displaced citizens, they will very probably not reconstitute themselves as a pueblo and the language will die out, especially if families flee to different shanty towns in the *cascos urbanos*. Some of the most persecuted communities have already lost their language; such is the case for the reindigenized Kankuamo of the Sierra Nevada de Santa Marta, as well as the Zenú of Córdoba and Antioquia in the north.

The Colombian government has recently expanded its policies directed at protecting the country's ethnolinguistic diversity; a report from the Ministerio de Cultura speaks of "crear y desarrollar una política de protección de las lenguas de los grupos étnicos presentes en el territorio colombiano" (2010: 1), and on January 25, 2010, Congress passed Law 1381, also intended to recognize, protect, and strengthen the country's indigenous languages. Although as with other similar legislation, there will probably be an absence of political will needed to implement the law, it nonetheless represents an innovative legal framing, as well as a message of hope to the pueblos.

#### 5. DISCUSSION AND CONCLUSIONS

Given the repression of the 1970s and earlier periods, the shift in the Colombian state's stance toward the nation's pueblos has indeed been remarkable. Such a stance—one that promotes

pueblos' inclusion in the life of the nation while also encouraging them to remain distinct—begins a process of working out the nature of such pluralism that of necessity occurs in highly politicized contexts. The ANC debates over internal self-determination were fierce, and while victory was achieved in several key areas, the resulting document is vague and ambiguous at several crucial points. We must keep in mind that the Constitution and the *fuero indígena* of the 1980s and 1990s exist only on paper; implementation and enforcement depend on a political will that is all too often in scarce supply. The legislation needed to put the reforms in motion has slowed to a standstill in some areas, including implementation of the constitutional mandate to establish special indigenous collective land ownership intended to strengthen pueblos' ability to administer and protect their territories. The legal, oftentimes constitutional recognition of rights is one thing; the oftentimes long and torturous road to actual enforcement on site is another. For example, despite the fact that many pueblos have completed mandated *planes de vida* that outline their vision of “ethnodevelopment,” state interests in oil exploration and production often clash with pueblos' own notions of how to exploit their legally recognized territories.

Recall, also, that ‘the state’ includes the military, which is clearly implicated in current repression, directly and indirectly, of indigenous civilians.

We also need to remember that, as has happened elsewhere in Latin America, the neoliberal multiculturalist rhetorics and legislation promulgated by the Colombian state seek to engage the indigenous movement in part to politically reconceptualize it. It is important, therefore, to comprehensively understand the nature, actual and potential, of this engagement and attempt at reconceptualization.

Although a pueblo's claim to self-determination does not in principle require it to immobilize its traditions, both pueblos and state have tended to move toward such forms of closure, reifying identity and restricting the dynamism characteristic of customary law and traditions. Ideally, Colombia's indigenous peoples would have the space to transform their cultures (and hence their identities) selectively, according to their own customs, rules, and de facto *realpolitik*. But because such processes always involve power relations, internal and external, challenges to indigenous authority often take the form of questions about authenticity (a thoroughly western concept), questions that began to be posed only recently precisely because performances of indigeneity to vindicate claims increasingly occur under extremely politicized conditions.

A related, also controversial, domain is gender rights. That indigenous women might organize to both change their traditional *usos y costumbres* and defend them illustrates my point about selective transformation and the highly politicized arenas in which it must occur.

The Constitutional Court has repeatedly sought to maximize the autonomy of indigenous jurisdiction; however, it has already heard a number of cases involving clashes between a pueblo's judgment and the basic law of the land guaranteeing the right to life and protection from slavery, forced exile, and torture. The liberal notion that indigenous rights are the same as human rights is seriously challenged upon hearing that pueblo authorities, in keeping with their customary laws and newly granted permission to manage their internal affairs, sentence a miscreant to be whipped or put into stocks (see, for example, Gow and Rappaport, 2002; Jackson 2007).

It must also be kept in mind that any indigenous community will be riddled with conflicts, some ongoing, others resolved but not forgotten, as well as factions, hierarchies, and decision-making mechanisms that exclude and marginalize some members. The community will, in short, display values and actions that are anything but fair, democratic, or egalitarian, as these concepts are defined and valorized in the west. (Western institutions and values are no less conflict-ridden and exclusionary.) The romantic view of pueblos as cohesive and consensus-based totalities can be sustained only from a distance. Just how indigenous customary law interfaces with codified positive law, and what compromises are necessary, points to the danger of imposing Western legal premises and procedures on systems that are anything but codified, depending as they do on kinship relations, shamanic consultations, and so forth, and thus differ fundamentally from Western notions of justice, due process, and conflict resolution. Negotiation, rather than imposition, would seem a more judicious approach to take.

Pueblos face many other problems, for example, inter-ethnic tensions and polarization between Afro-Colombians and pueblos on the Pacific coast, and between Indians and *colonos* in the Amazon and eastern plains regions. The problem of language loss, however, elicits great sadness, because it doesn't have to happen. Elsewhere in the world languages have been brought from the brink of extinction and today are being learned by younger generations (cf. *Cultural Survival Quarterly* 2001). In Colombia, there are signs of hope with respect to addressing this problem, from the government, the academy, and the pueblos themselves. Clearly it behooves all of us to work to encourage such signs in every way possible.



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<sup>2</sup> The first resguardo legislation, in 1549, stipulated that the Indians would collectively manage and work the land, paying tribute to the Crown (see Rappaport 1990: 45-46; Triana 1993: 101-106). Efforts in later centuries to expropriate *resguardos* led to many of them falling into decline.